

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

LISA SPEARMAN,

Case No. 2:12-cv-00960-MMD-GWF

Plaintiff,

v.

ORDER

STEVE BURDICK,

Defendant.

Before the Court is the Report and Recommendation of United States Magistrate George Foley, Jr. (dkt. no. 3) ("Recommendation") recommending dismissal of Plaintiff's Complaint without prejudice for Plaintiff's failure to either pay the filing fee or submit an application and affidavit in support of her request to proceed in forma pauperis. No objection to the Recommendation has been filed.


This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard

1 of review employed by the district court when reviewing a report and recommendation to  
2 which no objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,  
3 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting  
4 the view that district courts are not required to review "any issue that is not the subject of  
5 an objection."). Thus, if there is no objection to a magistrate judge's recommendation,  
6 then the court may accept the recommendation without review. *See, e.g., Johnstone*,  
7 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge's  
8 recommendation to which no objection was filed).

9 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to  
10 determine whether to adopt Magistrate Judge Foley's Recommendation. Having  
11 conducted such review, Court finds good cause to adopt the Magistrate Judge's  
12 Recommendation in full.

13 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Report and  
14 Recommendation of Magistrate Judge George Foley, Jr. (dkt. no. 3) be accepted and  
15 adopted in its entirety. The Clerk is directed to close this case.

16  
17 DATED THIS 2<sup>nd</sup> day of October 2012.

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20 UNITED STATES DISTRICT JUDGE